

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENT KAMYAR VAGHAR,

No. C-07-4083 MMC

Plaintiff,

**ORDER RE: STIPULATION TO
CONTINUE HEARING ON
DEFENDANTS' MOTION; SETTING
CASE MANAGEMENT CONFERENCE**

v.

DAVID J. KILLIAN, et al.,

Defendants.

The Court is in receipt of the parties' stipulation, filed September 18, 2008, to continue until October 24, 2008 the hearing on defendants' motion to dismiss/alternatively to transfer the above-titled action, presently scheduled for hearing on September 19, 2008.

The instant stipulation represents the third request for a continuance of the above-referenced hearing, each such request based upon an anticipated settlement of the action.

Under such circumstances, and for purposes of orderly case management, the Court declines to again continue the hearing and instead deems the motion withdrawn pending settlement discussions.

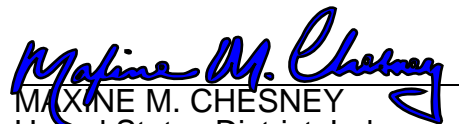
Should the parties' efforts in that regard prove unsuccessful, defendants may renote the motion for hearing, any such notice to be filed no earlier than October 24, 2008 and for a date no earlier than November 7, 2008.

A Case Management Conference is hereby SET for December 12, 2008 at 10:30

1 a.m. A Joint Case Management Statement shall be filed no later than December 5, 2008.

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3 **IT IS SO ORDERED.**

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5 Dated: September 18, 2008

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MAXINE M. CHESNEY
United States District Judge